## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

H&M INTERNATIONAL TRANSPORTATION, INC.

and

Case 22-CA-095095

HARRY NEILAN

## ORDER

The Employer's petition to revoke subpoena duces tecum B-710431 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 3, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

<sup>&</sup>lt;sup>1</sup> To the extent that the Employer has already provided documents sought by the subpoena, it is not required to produce duplicates of those materials.

The Employer argues that the subpoenas are void ab initio, because the Board does not have a valid quorum under *NLRB v. Noel Canning*, 705 F.3d 490 (D.C. Cir. 2013), cert. granted, \_\_\_ U.S. \_\_\_, 81 U.S.L.W. 3629 (U.S. June 24, 2013)(No. 12-1281). For the reasons stated in *Bloomingdale's*, *Inc.*, 359 NLRB No. 113 (2013), we reject this argument.